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TEN CENTS A WEEK

BEXLEY-OSTEEN CASE COMES TO SUDDEN END

Jury Discharged Before Introduction of Evidence and Case Continued to the May Term.

Judge Wills had court called to order at 8:36 o'clock Wednesday morning, when consideration of the Bexley-Osteen case was resumed. Solicitor Rivers addressed the court, saying he observed the record did not show arraignment of the prisoners prior to swearing the jury, and he therefore moved arraignment of the defendants. Miss Lois Hale, court stenographer, was present to keep the record and take down evidence in the case.

Col. Stripling, leading counsel for the defense, addressed the court, saying that if the State Solicitor would consent to reorganizing the jury as at present constituted defense would interpose no objection, that he believed the present jury was as fair as could be obtained, but if it was the intention of the Solicitor to empanel another jury from a new venire, then defense objected. Solicitor Rivers made no reply and asked for arraignment, which was proceeded with and the indictment read. In answer to the question as whether guilty or not guilty, defendants replied that counsel would answer for them.

Col. Stripling then made the following plea:

"The defendants, Wm. A. Bexley and Truby Osteen, having heard the indictment herein read, say, that a jury has been organized, empanelled and sworn to try said cause; that said jury is still empanelled, and they say that they have been placed in jeopardy upon said charge, and are entitled to have a verdict of said jury, and they submit to the court whether they shall be required to make any other or further answer to said indictment."

Solicitor Rivers demurred to plea of defense as follows:

"Now comes the State, by J. M. Rivers, State Attorney, and demurs to the plea entered by the defendants, and for cause of demurrer sheweth:

"That said plea sets up no sufficient facts to bar the further proceedings in this suit; and asks that the same be over-ruled and stricken."

The matter was submitted without

argument, whereupon the court sustained the demurrer to the plea of the defense, in the following language:

"This cause coming on to be heard upon the plea of the defendants filed herein, and the demurrer of the State thereto; and it appearing that neither said plea nor the records of this court show that the defendants had been arraigned before the jury was organized, empanelled and sworn, it is considered by the court that said demurrer be, and the same is sustained."

Defendants except. Exception noted. The defendants standing mute and refusing to plead, the court entered a plea of "not guilty."

Col. Stripling then renewed his proposition to proceed with the case if the Solicitor would consent to reorganizing the jury as then constituted.

Solicitor Rivers said he respectfully declined the proposition, for the reason that one of the jury had stated after being sworn that he would not convict upon circumstantial evidence, and for the further reason that he did not believe the case could be tried within the time left for the special term.

Counsel for defense then contended that defendants had plead not guilty to the indictment in habeas corpus proceedings, which contention was over-ruled, the jury discharged for the term and the case continued to the regular term in May.

Prisoners Sentenced.

The court then passed sentence upon the following prisoners who had been convicted at this term:

R. H. Ower, white, murder, was sentenced to be hung by the neck until he is dead.

Robert Scott, colored, assault with intent to rape, seven years at hard labor in the State penitentiary.

Freeman Swanson, the negro youth who conveyed a file secreted in a banana to prisoners confined in the county jail, was sentenced to six

SECOND GAME TO BE FRIDAY AFTERNOON

ANOTHER GAME OF SERIES BETWEEN LOCAL AMATEURS.

Both Teams Have Been Practicing Daily and a Better Game Is Anticipated Tomorrow.

With plenty of good practice, the baseball players of the University and Oak Hall aggregations will be lined up again Friday afternoon for another battle, which promises to be interesting from start to finish.

The University bunch are dissatisfied with their defeat of last week and the contest of Friday will be the second of a series which will be played to determine the championship of the two clubs.

As the expense incidental to this preliminary work is something a small admission fee will be charged to assist in meeting the same and it is hoped a good crowd will come out and witness the contest.

There is always plenty of good material available in Gainesville for the organization of a first-class aggregation of ball players, and with this extra practice we might be enabled to get more of our players from home material for the coming "hot" season with the various clubs of the State.

Go out and lend encouragement to the boys by your liberal patronage.

month in the State penitentiary at hard labor.

Court then adjourned until the first Monday in May, the regular spring term.

Col. Stripling Talks.

After the adjournment of court the reporter met Col. J. N. Stripling, leading counsel for Will Bexley and Truby Osteen, and asked him what he thought of the outcome of the case in which he was associated as leading counsel, to which he replied as follows:

"We made a proposition to State Attorney Rivers which we think will appeal to every fair-minded and just man. These boys have been incarcerated in jail a long time. They and their relatives, all of whom are in straitened circumstances, had at great expense prepared and were ready for trial. The State was ready and so announced. The court proceeded to organize a jury. Those who were present, and there were many, will bear me out in the statement that every juror's conscience was probed to the bottom. I feel that I violate no confidence when I quote Judge Wills as having said to me in substance that the examination of the jurors as to their qualification was most thorough and that he thought the jury as organized was a fair one. In order to obviate difficulties and avoid delays counsel for the defendants in open court proposed to the State Attorney to interpose no objection and take no exceptions to the arraignment; and agreed to enter a formal plea of not guilty, provided the State Attorney would tender the same jury to us, so that the trial might proceed. This method would not have involved a delay of more than five minutes. But the State Attorney chose to take advantage of his own wrong and avail himself of an opportunity brought about by his own negligence to force a continuance of the case, and thus force these two boys to remain in prison until the May term of court. He has imposed upon them and their relatives, who are ill able to afford it, an additional expense of not less than three hundred dollars and upon the taxpayers of Alachua county a further expense of about four or five hundred dollars. It should be remembered that the county has already incurred an expense in this case of nearly or quite one thousand dollars. I am now for the first time in my

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PAYNE BILL WILL BE GOOD FOR DEMOCRATS

House of Representatives Will Have Democratic Majority in 1911 If History Repeats Itself.

WASHINGTON, March 31.—Politicians here in the National Capital who make it a practice to keep one ear close to the ground for rumblings giving an indication of changes in public sentiment are fast reaching the conviction that if the Payne bill is passed in anything like its present form it will mean disaster to the Republican party.

The McKinley bill, far less oppressive of the poor than the measure now before Congress, defeated the Republicans overwhelmingly in 1890. Speaker Reed, discussing that defeat, said that the commercial agents who went through the country explaining to the small merchants why the price of goods had advanced, and the women who resented increases in prices, were factors in determining that defeat.

There is a growing fear among Republicans that the Payne bill may have a similar effect. The storm of public resentment has already begun to gather. Letters are pouring in upon the members of both houses of Congress. The Senate is getting them from women's clubs and suffragettes. Complaint is coming from every section of the country, and from all classes of the people. It comes from the East and from the West; the North and the South; from the people who wear woollens, and those who drink coffee; from women who wear gloves and from those who drink tea. The trend of the complaint is that the Payne bill increases instead of decreases the duties upon articles of general use.

The letters indicate that the sentiment of the average American toward tariff as a protection measure has undergone a decisive reversal since the days of the Dingley act. At that time the people were led to place more or less confidence in the theory that if capital engaged in production were given big benefits by the tariff it would fairly divide up with labor; labor would prosper, and everyone would have money enough to pay the high prices.

It having been proven to the con-

sumers' satisfaction that high duties mean high prices without a corresponding advance in wages the people are writing here to let it be known what they want is revision downward. This the Payne bill does not give them.

The rates provided for in the Payne bill, as it stands, average 1.56 per cent higher than the Dingley rates. When the maximum and minimum arrangement begins operation, according to Minority Leader Champ Clark, they will average 21.56 higher than Dingley bill schedules.

In repeated instances the Payne bill openly discriminates against articles (particularly stockings, gloves, hats, and woollens) of the class purchased by women and children of little means, in favor of the more expensive articles used by the rich.

An illustration is found in the duties imposed upon hosiery and knit cotton goods. Women's and children's hose, of the grade valued at \$1 per dozen, which is very cheap, are increased in the bill from 68 per cent to 90 per cent. The expensive grades of hosiery are left as in the Dingley bill, at 65 per cent.

Women's and children's gloves show the same large advances in taxation upon the cheaper grades. The increase in duty upon the cheapest grade is from 58 per cent to 135 per cent, which means that the poor will have to pay 75 cents more on every dollar's worth of gloves purchased. The increase in taxation upon the costly gloves, or the kind purchased by the wealthy, is from 43 to 90 per cent, which means that the rich will have to pay but 47 cents more on every dollar's worth of gloves purchased. Contrast the figures—75 per cent advance on the gloves of the poor, who are least able to stand it, and 47 per cent advance on the gloves of the rich, to whom increased living expenses have little interest.

In the matter of hats, the duty upon

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Negro Slayer of Leon's Sheriff Caught at Last

THOMASVILLE, Ga., March 31.—Mink Morris, the negro who killed Sheriff Langston of Leon county, Florida, last week, was captured early yesterday morning at Coolidge, in this county, and is in jail here. The capture was made by Deputy Sheriff Rehburg of this city, Bailiff Dollar of Grady county and W. H. Moncrien and Joe Potter of Coolidge.

Morris' father-in-law, George Stuart, lives at Coolidge and Deputy Rehburg had heard that the negro was headed for that place, so with Bailiff Dollar he went out Monday to be on the lookout for him. Monday night Morris was seen to enter Stuart's house but the officers decided not to attempt his arrest until daylight. With Moncrien and Potter, they guarded the house all night. Soon after daylight they demanded admittance and Stuart opened the door and let them in. Morris was found quietly sleeping and when awakened he made no resistance at all to the officers.

He was brought to Thomasville yesterday morning and lodged in jail, where he will be kept until requisition papers can be obtained from the Governor of Florida, as he is to be

carried to Tallahassee until they were served.

Morris is a black negro, rather tall and thin and 38 years old. He is very quiet and seems exhausted by the long run from his pursuers. A posse from Florida, who had been pursuing him with dogs, was here Monday but returned home, having lost the trail.

A reward of \$1,100 was offered for the arrest of Morris. Gov. Smith wired yesterday afternoon to hold Morris until requisition papers were received from the Governor of Florida.

Negro Will Have Quick Trial.

TALLAHASSEE, Fla., March 31.—Gov. Gilchrist forwarded requisition papers for Mink Morris, negro slayer of Sheriff W. N. Langston, at noon yesterday to Gov. Smith and by wire requested Gov. Smith to have the prisoner detained at Thomasville. This request was granted.

Arrangements are being made for a speedy trial. Gov. Gilchrist having summoned Judge B. H. Palmer of Lake City, judge of the third circuit, to hold for this purpose a special term of court, to be commenced at Tallahassee, Monday, April 5.

Mr. Roosevelt Lands On the Azores Islands

PONTA DEL GADA, ISLAND OF SAO MIGUEL, THE AZORES, March 31.—The steamship Hamburg, with former President Theodore Roosevelt aboard, arrived here unexpectedly at 8 o'clock yesterday morning. The vessel stopped briefly to give Mr. Roosevelt an opportunity of seeing the beautiful scenery of the island with its springs and gardens. There was great excitement among the people, all of whom were eager to obtain a glimpse of Mr. Roosevelt.

Mr. Roosevelt came ashore at 10 o'clock in the morning. A large crowd assembled at the dock and gave him an ovation. He was greeted by Edward A. Creesy and William W. Nicholls, respectively the American consul and vice-consul at St. Michaels, with whom he drove around Ponta del Gada in an automobile. In this trip, Mr. Roosevelt was accompanied by the members of his party.

The Hamburg steamed out of Ponta del Gada at 11:30 o'clock yesterday morning. Her next stopping place is Gibraltar, where she is due Thursday. On leaving Horta Monday, Mr. Roosevelt was given an enthusiastic

send-off by the English, German and Portuguese residents of Horta.

While at Horta, the other members of the Roosevelt party went on a shooting expedition and got sixteen birds of five different species.

Mr. Roosevelt's Assailant.

PAHIS, March 31.—A special dispatch from Rome says Giuseppe Tosti, ex-President Roosevelt's alleged assailant on board the steamer Hamburg, emigrated from Italy to New York with his son. The latter was deported as a dangerous character and Tosti appealed to the White House to have the order of deportation rescinded. This appeal at first was not answered, but finally Tosti was informed that President Roosevelt could not interfere in the matter. According to the dispatch, Tosti then decided to rejoin his son and embarked on the steamer Hamburg by chance. Being under the delusion that the ex-President wished to harm his son, the sight of Mr. Roosevelt drove him into a frenzy. The authorities at Naples will take charge of Tosti on the arrival of the Hamburg and place him on trial.